



Variance Report Response

To: Planning and Zoning
Regarding: 21-0609VR; 110 Summit Street
Date: 02/01/21

The zoning ordinance in Burlington recently went through some significant changes which lessened the size and parking requirements. These changes have been beneficial in making in-fill housing more accessible within the City, however setbacks were not been revised accordingly to best locate and minimize the impact of the ADU on individual lots. Many cities with progressive plans for ADU development throughout the country have updated these requirements and others as you will read the examples below as a further step to support the creation of ADU's.

Winooski VT

ARTICLE V – SPECIFIC USE STANDARDS

SECTION 5.1 ACCESSORY DWELLING

- A. Accessory dwelling units are a permitted use in all districts where single-unit detached dwellings are permitted. An accessory dwelling unit is an efficiency or one-bedroom apartment that is part of or detached from a single-unit owner-occupied dwelling, and has facilities and provisions for independent living, including sleeping, food preparation, and sanitation, provided there is compliance with all the following:
1. The property has a sufficient wastewater allocation;
 2. The accessory unit does not exceed thirty (30) percent of the total habitable floor area of the single-unit dwelling; and,
 3. Setback, coverage, and off-street parking requirements specified in the bylaws are met.
- B. A Zoning Permit is required for any accessory dwelling unit. In addition, it shall require Conditional Use approval if it involves or requires any of the following:
1. Construction of an addition or new accessory structure;
 2. An increase in the building height or habitable floor area of the existing dwelling; or
 3. An increase in the dimensions of the parking area.
- C. At time of sale or transfer of title the accessory residential use shall continue provided that one of the dwelling units is and remains owner-occupied.

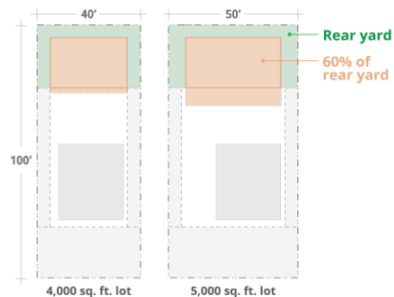
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SECTION 2.5 DIMENSIONAL REQUIREMENTS TABLE

		R-A	R-B	R-C	Central Business District C-1	General Commercial C-2	Downtown Core DC	Gateway Districts	Industrial I	Public P
Parcel	Lot Size (Minimum Square Feet)	10,000	7,500	7,500	3,000	7,500	NA	See Appendix B	20,000	NA
	Frontage (Minimum Feet)	75	75	75	50	75	NA		100	NA
	Lot Depth (Minimum Feet)	100	100	60	60	60	NA		60	NA
	Lot Coverage (Maximum %)	40	50	50	100 ¹	80	NA		70	50
Primary Structure	Front Setback (Minimum Feet)	20	10	10	0	0	NA		10	10
	Rear Setback (Minimum Feet)	15	15	15	0	0	NA		10	15
	Side Setback (Minimum Feet)	15	10	10	0	0	NA		10	10
	Building Height (Maximum Feet)	35	35	35	60	35	See Appendix C		35	35
Accessory Structure	Front Setback (Minimum Feet)	10	10	10	NA	NA	NA			10
	Rear Setback (Minimum Feet)	5	5	5	NA	NA	NA			5
	Side Setback (Minimum Feet)	5	5	5	NA	NA	NA			5
	Building Height (Maximum Feet)	35	35	35	NA	NA	See Appendix C			35

1. Conditional upon attainment of all necessary State and City stormwater management approvals.

Seattle WA



Maximizing rear yard coverage on two example sites.

Rear yard coverage

Your DADU, plus other accessory structures, can occupy at most **60 percent** of the rear yard.

The rear yard coverage limit applies in addition to the overall lot coverage limit above. If your lot abuts an alley, calculate rear yard coverage from the centerline of the alley.

Read the code: Subsection [23.44.014.D.1](#).

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Yards

In general, your DADU must be located **outside the required front yard and side yards** of your lot.

- The **front yard** is 20 feet or the average of the front yards of the single-family structures on either side of your house, whichever is less.
- The **side yards** are generally 5 feet, unless your side lot line is a continuation of a neighbor's front lot line (10-foot side yard required) or abuts an alley (no side yard required).
- The **rear yard** is 25 feet or 20 percent of lot depth, whichever is less, and at least 10 feet.

Exceptions may apply in certain circumstances:

- Your DADU can extend into a side yard if you secure an easement along the neighboring lot that preserves a 10-foot separation between the DADU and your neighbor's structure(s), similar to abutting 5-foot side yards.
- On a reversed corner lot — a corner lot where your side street lot line is a continuation of your neighbor's front lot line — your DADU cannot be located in the portion of your rear yard that abuts your neighbor's front yard.
- An existing accessory structure (like a detached garage) located in a required side yard can generally be converted to a DADU.
- Certain architectural features, like eaves or bay windows, can project into a yard as long as they are no closer than 3 feet to any lot line.

Read the code: Section 23.44.014.

DADU height is determined by lot width and divided between a base height limit and additional height for your roof type.

Height limits

The maximum height allowed for a DADU depends on the **width of your lot**.

The following table shows the base height limit and additional roof height allowed depending on the width of your lot. For comparison, the maximum height for your house (i.e., a principal structure) is 30 feet plus 5 additional feet for the roof.

Maximum DADU height (in feet)	Lot width (in feet)			
	Less than 30	30 up to 40	40 up to 50	50 or greater
Ⓐ Base structure height limit	14	16	18	18
Ⓑ Additional height allowed for pitched roof	3	7	5	7
Ⓒ Additional height allowed for shed or butterfly roof	3	4	4	4

Any structure with a green roof or other features necessary to meet a green building standard (as defined in Director's Rule 20-2017) may extend up to 2 feet above the maximum allowed height.

Read the code: Section 23.44.014. Unsure how wide your lot is? Use our property search tool to find the dimensions of your site.

Tacoma WA

(1) The maximum height for detached ADUs shall be 18 feet, measured per the Building Code, or up to **20 feet with incorporation of either parking on the main level** of the structure, or with certification of the DADU under Built Green criteria with 4 stars, or equivalent environmental certification.

5. Setbacks. Attached ADUs are considered part of the primary structure and thus are subject to the same setback standards applicable to the primary structure. Detached ADUs shall be setback a minimum of 5 feet from the side and rear property lines, excepting that no setback from the alley shall be required. Existing buildings being converted to Detached ADUs are not required to meet setbacks, but shall comply with all applicable City of Tacoma Building Codes adopted at the time of permit application.

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Summary

As stated in the findings "A number of neighboring properties contain detached outbuildings that appear to encroach into side and/or rear yard setbacks. This variance, if granted, would not alter the essential character of the neighborhood or district in which the property is located." We believe that the proposed location of this ADU is best situated to maintain the existing character of the neighborhood, while preserving the greatest extent possible the open space while limiting the impact on neighbors on all sides of the property.

END OF MEMO